IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 18783 of 2007(J)

PETITIONER:

KAMALA, AGED 62 YEARS, W/O.LATE KARUPPAN
RESIDING AT SHEELA BHAVANAM, MANNAPPUZHA,
RANNI-PERINAD P.O., AND VILLAGE, RANNI TALUK.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: DEFENDANTS:

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1. STATE OF KERALA REPRESENTED BY THE
SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF PANCHAYAT,
PATHANAMTHITTA, PIN-689645.

3. RANNI PERUNAD GRAMMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, RANNI,
PERUNAD P.O. PIN-689711.

4. REVENUE DIVISIONAL OFFICER, OFFICE
OF THE R.D.O, THIRUVALLA.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE PLAINT FILED IN O.S.NO.99/2000 BEFORE THE MUNISIFF COURT, RANNI
EXT.P2	TRUE COPY OF THE WRITTEN STATEMENT IN O.S.NO.99/2000 OF THE MUNISIFF COURT, RANNI
EXT.P3	TRUE COPY OF THE ORDER ISSUED BY R2 DTD. 28-12-01
EXT.P4	TRUE COPY OF THE ORDER OF THE OMBUDSMAN FOR LOCAL SELF GOVT. DTD. 19-4-02
EXT.P5	TRUE COPY OF THE JUDGMENT IN O.S.NO.99/2000 OF THE MUNISIFF COURT, RANNI
EXT.P6	TRUE COPY OF THE DECREE IN O.S.NO.99/2000 OF THE MUNISIFF COURT, RANNI
EXT.P7	TRUE COPY OF THE ORDER ISSUED BY R3 DTD. 12-06-07

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 18783 OF 2007

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Dated this the 17th day of August, 2007

JUDGMENT

Petitioner challenges Ext.P7. Petitioner seeks a direction to implement Ext.P3 order. Case of the petitioner is that by Ext.P7 dated 12/06/2007 the Panchayat directed demolition of the building constructed in violation of Section 220(b) of the Kerala Panchayat Raj Act. According to the petitioner, there was a civil suit filed by the Panchayat itself and it culminated in Ext.P5 judgment. In Ext.P5 it is found that there is no violation of Section 220(b) by the petitioner. According to the petitioner there is no basis for proceeding against him under Section 220 (b).

2. I heard learned counsel for the petitioner and the learned counsel for the Panchayat also. By Ext.P3, the Deputy Director found that there is no violation of Section 220(b) and directed the respondent-Panchayat to number the building and also to issue necessary certificates to the petitioner for obtaining

Ration Card and Electricity.

I feel that there cannot be any legal basis for sustaining Ext.P7 having regard to the finding in the civil suit. Accordingly, Ext.P7 is quashed. It is submitted by the learned counsel for the Panchayat that the building is already numbered , but the ownership certificate has not been granted so far. There will be a direction to the third respondent to issue the ownership certificate of the building in question to the petitioner within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

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